

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

COHEN POOLED ASSET ACCOUNT *et al.*,

Defendants.

Adv. Pro. No. 10-04371 (SMB)

**STIPULATION AND AMENDED ORDER SETTING BRIEFING
SCHEDULE**

Irving H. Picard, as trustee (the “Trustee”) for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act (“SIPA”), 15 U.S.C. §§78aaa *et seq.*, and the estate of Bernard L. Madoff, individually, by and through his counsel, Baker & Hostetler LLP, and defendants Leon Meyers, Leon Meyers Trust, Harold Cohen Living Trust, Elsa Cohen Living Trust, and H&E Cohen Foundation (the “Defendants”) (collectively with the Trustee, the “Parties”), by and through their counsel, Eric S. Olney, Esq., hereby stipulate and agree as follows:

WHEREAS, on November 30, 2010, the Trustee filed a complaint in the above-captioned adversary proceeding (the “Complaint”);

WHEREAS, on May 16, 2014, the Defendants filed a motion to dismiss (the “Motion to Dismiss”) the Complaint pursuant to Rules 8(a), 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure;

WHEREAS, on June 6, 2014, the Parties stipulated and agreed to a briefing schedule and now wish to amend certain of the dates therein;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the Trustee and the Defendants, by the endorsement of themselves or their respective counsel below, that:

1. The Trustee shall file and serve his opposition to Defendants’ Motion to Dismiss no later than **August 5, 2014**;
2. The Defendants shall file and serve their reply to the Trustee’s opposition no later than **August 26, 2014**;
3. A hearing on Defendants’ Motion to Dismiss is scheduled before this Court for **September 17, 2014** at 10:00am;

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Dated: July 8, 2014
New York, New York

BAKER & HOSTETLER LLP

By: s/ Dominic A. Gentile

45 Rockefeller Plaza
New York, New York 10111
Telephone: 212.589.4200
Facsimile: 212.589.4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Marc E. Hirschfield
Email: mhirschfield@bakerlaw.com
Oren J. Warshavsky
Email: owarshavsky@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com
Dominic A. Gentile
Email: dgentile@bakerlaw.com

*Attorneys for Plaintiff Irving H. Picard,
Trustee for the Liquidation of Bernard L.
Madoff Investment Securities LLC and the
estate of Bernard L. Madoff*

SHAPIRO, ARATO & ISSERLES, LLP

By: s/ Eric S. Olney

500 Fifth Avenue, 40th Floor
New York, New York 10110
Telephone: 212.257.4880
Facsimile: 212.202.6417
Eric S. Olney
Email: eolney@shapiroarato.com

*Attorneys for Defendants Leon Meyers, Leon
Meyers Trust, Harold Cohen Living Trust,
Elsa Cohen Living Trust, and H.E. Cohen
Foundation*

So Ordered this 8th day of June, 2014.

/s/ STUART M. BERNSTEIN
Honorable Stuart M. Bernstein
United States Bankruptcy Judge